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IMPROVEMENTS—MISTAKE OF LAW—WILLFUL TRESPASSER.—The plaintiffs were holders under a senior lease and the defendants holders under a junior lease of the same property. Both were aware of all the facts of the case, but because of a mistake of law the defendants in good faith thought that they had the title to the property. The defendants obtained a permanent injunction prohibiting the plaintiffs from boring oil wells on the land, and then under the injunction themselves bored wells and produced oil therefrom. On appeal, the injunction was set aside and the property decreed to the plaintiffs. Thereupon a suit was brought by the plaintiffs to recover the value of the oil marketed. *Held*, the plaintiffs are entitled to recover without compensation to the defendants for the expense of boring the wells or of marketing the oil. *Pittsburgh & West Va. Gas Co. v. Pentress Gas Co.* (W. Va.), 100 S. E. 296. See NOTES, p. 361.

INJUNCTION—RIGHT OF PRIVACY—USE OF PERSON'S NAME AND PICTURE IN NEWS FILM AND IN ADVERTISING NEWS FILM.—A State statute prohibited the use, for advertising purposes, or for purposes of trade, of the name, portrait or picture of any living person unless the written consent of such person had been obtained. The defendant, a film corporation, took a picture of the plaintiff without her consent, advertised it by posters, and proceeded to present it to the public as a news item in a film of current events. The plaintiff filed a bill to enjoin the use of her picture and name, and to recover damages therefor. *Held*, the defendant is not liable and the injunction is denied. *Humiston v. Universal Film Mfg. Co.*, 178 N. Y. Supp. 752.

Whether or not every one has a common law right to the so called "right of privacy" is a question regarding which the authorities are not settled. The New York courts, followed by those of Rhode Island, have consistently refused to recognize the existence of any such right in the absence of a statute. *Roberson v. Rochester Folding Box Co.*, 171 N. Y. 538, 64 N. E. 442, 59 L. R. A. 478, 89 Am. St. Rep. 828; *Henry v. Cherry*, 30 R. I. 13, 73 Atl. 97, 24 L. R. A. (N. S.) 991, 136 Am. St. Rep. 928, 18 Ann. Cas. 1006. Thus, where a young lady's picture, under which was written, "Flour of the Family," was used without her consent for the purpose of advertising the flour, both affirmative and prohibitory relief were denied. *Roberson v. Rochester Folding Box Co.*, *supra*. The right to restrain the use of one's picture or name for advertising purposes or for purposes of trade has, however, been acquired now by statute in New York. See *Rhodes v. Sperry Co.*, 193 N. Y. 223, 85 N. E. 1097, 34 L. R. A. (N. S.) 1143, 127 Am. St. Rep. 945. Under this statute it was held that a film company has no right, a month after the occurrence of the actual event, to display to the public a reproduction of the event containing the plaintiff's picture, the court holding that the film, being a month old, could not be termed a news item. *Binns v. Vitagraph Co.*, 210 N. Y. 51, 103 N. E. 1108, Ann. Cas. 1915B, 1024.

Perhaps the majority of courts recognize the common law right of privacy, that is, the right not to be interfered with in strictly private